DOCKET NO. 8594-001-64

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Anthony BEVERINA, et al.   ART UNIT: 2123

SERIAL NO.:   09/453,509   EXAMINER: S. Broda

FILING DATE: December 3, 1999

FOR: METHOD AND APPARATUS FOR RISK MANAGEMENT

DECLARATION OF ANTHONY F. BEVERINA AND
BRYAN S. WARE PURSUANT TO 37 C.F.R. § 1.131

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

We, Anthony F. Beverina and Bryan S. Ware, do hereby declare and state that:

1. We are the two named inventors of the above-referenced application. We are the co-inventors of the subject matter claimed in Claims 1-12, as amended as of July 15, 2002, of the above-referenced application.

2. Both of us are employees of the assignee of the above-referenced application, Digital Sandbox, Inc., and were employees of Digital Sandbox, Inc. at all times discussed herein.

3. We have read the Office Action dated October 24, 2002 and the Vaetch reference cited therein.

4. Prior to October 5, 1999, we conceived, in the United States, of a computer system that would calculate a risk of a terrorist attack based at least partially on the accessability of a site and the probability that a terrorist attack will occur as described in the above-referenced application.

5. Attached hereto as Exhibit A is an accurate photocopy (with dates redacted) of a Bayesian diagram, prepared in the United States, illustrating factors on which a risk of terrorist attack would be calculated by the aforementioned computer system. Exhibit A is a more detailed version of the Bayesian diagram illustrated in Figure 5 of the above-referenced application. The initials "AFB" in the "Drawn By" field of Exhibit A refer to Anthony F. Beverina, and the initials "BSW" in the "Checked By" field refer to Bryan S. Ware. The Bayesian Diagram of Exhibit A indicates that the risk of a terrorist attack is to be calculated based on two nodes labeled "Prob of Attack" and "Vulnerability." The node labeled "Prob of Attack" refers to a probability that a terrorist attack will occur as recited in Claims 1 and 7. The node labeled "Vulnerability" depends in part on a node labeled "Susceptibility." which in turn depends on a node labeled "Accessability." Accessability is the accessability of the site as recited in Claims 1 and 7. Thus, Exhibit A shows the concept of calculating a relative risk based on a probability that a terrorist attack will occur and the accessability of the site as recited in Claims 1 and 7. Exhibit A and the ideas manifested therein were developed by us prior to October 5, 1999.

6. We worked diligently in the United States to reduce the aforementioned computer system to practice from a date prior to October 5, 1999 until filing of the above-referenced application on December 3, 1999. Much of our time prior during this period was spent performing research for and designing the aforementioned computer system. Our work during this period included designing risk analysis algorithms, defining objects in an object oriented database that would be used by the aforementioned computer system, and writing and testing code for the aforementioned computer system. Attached hereto as Exhibit B are copies of our timecards corresponding to this period. "Job/ACCT" 1024 on the timecards of Exhibit B refer to the aforementioned computer system, and the "Task" numbers on the timecards refer to the specific tasks listed in the following table:

Task Number	Task
2000	System Engineering & Integration
2130	System Requirements
2217	Architecture Research - JIS/VAMP (external DoD legacy systems)
2230	Architecture Definition
2240	Architecture Design
2520	Software Development Plan - Tool Research
2800	Technology Research (Risk Analytics)
3210	System Software Specification
4120	Vulnerability Assessment Tool Interface
4310	Dynamics Module Requirements (Threat Vectors)
4400	Site Profiler Database Design and Coding
4410	Database Design
4420	Data Modeling
4513	Risk Methodology Development
4520	Risk Algorithm Development
4540	Risk Methodology Data Compilation
4600	Analytic Model Plug-ins (Blast and CBR)
4621	Blast Modeling Requirements
4711	Output Requirements - Standard Reports
4721	Output Generator - Antiterrorism Planning Output
4732	Output Generator - Expert Analysis
6000	Information Management System
8000	Test and Evaluation

As confirmed by the timecards in Exhibit B, we spent considerable time in the United States on designing and developing the computer system described in the above-referenced application each week during the period from prior to October 4, 1999 through filing of the above-referenced application on December 3, 1999.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed true. Further, I am aware that willful false statements and the like are punishable by fine, imprisonment, or both. 18 U.S.C. §1001, and that any such false statements may jeopardize the validity of the above-referenced patent application and any patent to issue thereon.

Dated: March 24, 2003

ANTHONY F. BEVERINA

BRYAN S. WARE